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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

LINDA ROBERSON,

Plaintiff,

V.

CONSUMER PORTFOLIO SERVICES, INC.,

Defendant.

Plaintiff,

COMPLAINT AND DEMAND FOR JURY TRIAL

(Unlawful Debt Collection Practices)

VERIFIED COMPLAINT

LINDA ROBERSON (Plaintiff), by his attorneys, KROHN & MOSS, LTD., alleges the following against CONSUMER PORTFOLIO SERVICES, INC., (Defendant):

INTRODUCTION

- Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15
 U.S.C. 1692 et seq. (FDCPA).
- 2. Count II of the Plaintiff's Complaint is based on Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code §1788 et seq. (RFDCPA).

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court

- without regard to the amount in controversy," and 28 U.S.C. 1367 grants this court supplemental jurisdiction over the state claims contained therein.
- 4. Defendant conducts business in the state of California, and therefore, personal jurisdiction is established.
- 5. Venue is proper pursuant to 28 U.S.C. 1391(b)(1).

PARTIES

- 6. Plaintiff is a natural person residing in Camarillo, Ventura County, California.
- 7. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5) and Cal. Civ. Code § 1788.2(h).
- 8. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6) and Cal. Civ. Code §1788.2(c), and sought to collect a consumer debt from Plaintiff.
- 9. Defendant is a national company with its headquarters in Irvine, California.
- 10. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

- 11. Since November 2010, Defendant has constantly and continuously been placing multiple collection calls per day to Plaintiff seeking and demanding payment for an alleged debt.
- 12. Defendant placed collection calls at Plaintiff's place of employment.
- 13. On November 2010, Plaintiff notified Defendant's representative, Mr. Mark Talamantes that she was not allowed to receive personal calls at her work and to stop contacting her at work.
- 14. Despite being notified by Plaintiff that she was not allowed to receive personal calls at work, Defendant's representative, Mr. Talamantes, continued contacting Plaintiff at

work.

- 15. The last date Defendant's representative, Mr. Talamantes, contacted Plaintiff at work was on March 29, 2011 in the afternoon.
- 16. Defendant's representative, Mr. Talamantes, threatened to garnish Plaintiff's wages if Plaintiff did not pay the alleged debt.
- 17. Defendant's representative, Mr. Talamantes, threatened to put a lien on her property if Plaintiff did not pay the alleged debt.
- 18. Defendant's representative, Mr. Talamantes, threatened to disclose her alleged debt to Plaintiff's employer if she did not pay the alleged debt.
- 19. Defendant calls Plaintiff from 888-835-0715
- 20. Defendant calls Plaintiff's cellular number 805-822-9199.
- 21. Defendant calls Plaintiff's home telephone number 805-482-0702
- 22. Defendant calls Plaintiff's work telephone number 818-657-8254.

COUNT I DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

- 23. Defendant violated the FDCPA based on the following:
 - a. Defendant violated §1692c(a)(3) by repeatedly contacting Plaintiff at his place of employment even though Defendant knew that Plaintiff's employer prohibits the consumer from receiving such communications.
 - b. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt.
 - c. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.
 - d. Defendant violated §1692e(4) of the FDCPA by threatening to place a lien on Plaintiff's property when Defendant did not intend to take such action.

- e. Defendant violated §1692e(4) of the FDCPA by threatening to garnish Plaintiff's wages when Defendant did not intend to take such action.
- f. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an attempt to collect a debt by threatening to disclosed her debt to her employer.
- g. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an attempt to collect a debt by threatening to place a lien on Plaintiff's property when Defendant did not intend to take such action.
- h. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an attempt to collect a debt by threatening to garnish Plaintiff's wages when Defendant did not intend to take such action.

WHEREFORE, Plaintiff, LINDA ROBERSON, respectfully requests judgment be entered against Defendant, CONSUMER PORTFOLIO SERVICES, INC., for the following:

- 24. Statutory damages pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,
- 25. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k
- 26. Any other relief that this Honorable Court deems appropriate.

COUNT II DEFENDANT VIOLATED THE ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT

- 27. Plaintiff repeats and realleges all of the allegations in Count I of Plaintiff's Complaint as the allegations in Count II of Plaintiff's Complaint.
- 28. Defendant violated the RFDCPA based on the following:
 - a. Defendant violated §1788.10(e) of the RFDCPA by threatening Plaintiff that the nonpayment of her alleged debt may result in the garnishment of Plaintiff's wages when such action is not in fact not contemplated by Defendant or permitted by law.

- b. Defendant violated §1788.11(d) of the RFDCPA by placing collection calls to Plaintiff repeatedly and continuously so as to annoy Plaintiff.
- c. Defendant violated §1788.11(e) of the RFDCPA by placing collection calls to Plaintiff with such frequency as to be unreasonable and to constitute a harassment to Plaintiff under the circumstances.
- d. Defendant violated §1788.17 of the RFDCPA by continuously failing to comply with the statutory regulations contained within the FDCPA, 15 U.S.C. § 1692 et seq.

WHEREFORE, Plaintiff, LINDA ROBERSON, respectfully requests judgment be entered against Defendant, CONSUMER PORTFOLIO SERVICES, INC., for the following:

- 29. Statutory damages pursuant to the Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code §1788.30(b),
- 30. Costs and reasonable attorneys' fees pursuant to the Rosenthal Fair Debt Collection Practices Act, Cal. Civ Code § 1788.30(c), and
- 31. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, LINDA ROBERSON, demands a jury trial in this case.

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DATED: April 27, 2011

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RESPECTFULLY SUBMITTED,

KROHN & MOSS, LTD.

Mahadhi Corzano Attorney for Plaintiff

1 2 VERIFICATION OF COMPLAINT AND CERTIFICATION 3 STATE OF CALIFORNIA 4 Plaintiff, LINDA ROBERSON, states as follows: 5 1. I am the Plaintiff in this civil proceeding. I have read the above-entitled civil Complaint prepared by my attorneys and I believe 2. that all of the facts contained in it are true, to the best of my knowledge, information 6 and belief formed after reasonable inquiry. I believe that this civil Complaint is well grounded in fact and warranted by existing 7 3. law or by a good faith argument for the extension, modification or reversal of existing 8 I believe that this civil Complaint is not interposed for any improper purpose, such as 4. 9 to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the 10 Complaint. I have filed this Complaint in good faith and solely for the purposes set forth in it. 5. 11 Pursuant to 28 U.S.C. § 1746(2), I, LINDA ROBERSON, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct. 12 13 14 15 16 17 18 19 20 21 22 23 24 25

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned discovery Magistrate Judge is	ed to District Judge Charles F. Eick	Percy Ande	rson	_ and the assigned
The case number on all de		Court should 1	read as follows:	
	CV11-03774 PA (Ex)		
Pursuant to General Ordo California, the Magistrate Judge	er 05-07 of the United has been designated to	States Distric hear discovery	t Court for the C related motions.	Central District of
All discovery related mot	ions should be noticed	on the calendar	of the Magistrate	Judge.
	NOTICE TO C	OUNSEL		
A copy of this notice must be served a copy of this notice must be served	with the summons and co		efendants (if a remo	oval action is filed,
Subsequent documents must be fil	ed at the following loca	tion:		
Western Division 312 N. Spring St., Rm. G-8 Los Angeles, CA 90012	☐ Southern Division 411 West Fourth S Santa Ana, CA 927	t., Rm 1-053	☐ Eastern Division 3470 Twelfth St Riverside, CA 9	., Rm. 134
Failure to file at the proper location	on will result in your do	cuments being r	eturned to you.	
CV-18 (01/09) NOTICE OF AS:	SIGNMENT TO UNITED STAT	TES MAGISTRATE J	UDGE FOR DISCOVE	RY

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

CV-01A (12/07)

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself □) LINDA ROBERSON				DEFENI CONS	DANTS SUMER PORTFO	LIO SER	VCICES, INC.				
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Krohn & Moss, Ltd.; Mahadhi Corzano, Esq. 10474 Santa Monica Blvd., Suite 401; Los Angeles, CA 90025 (323) 988-2400				representing	Attorneys	s (If Known)		**************************************			
II. BASIS OF JURISDICTION (Place an X in one box only.)			III. CITIZENS (Place an X	HIP OF	PRINCIPAL PA	RTIES-	For Diversity Case defendant.)	es Only			
☐ 1 U.S. Government Plaintiff	ď	3 Federal Question (U.S. Government Not a Party	y)	Citizen of This S			TF DEI	,		PTF □4	DEF □ 4
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				Citizen or Subje	ct of a For	eign Country 🛚	3 🗆 3	Foreign Nation		□6	□6
IV. ORIGIN (Place an X in one box only.) Original Proceeding State Court Appellate Court Reopened Reopened V. REQUESTED IN COMPLAINT: JURY DEMAND: Version 1985 1985 1985 1985 1985 1985 1985 1985											
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AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

MAY -12 2017

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: H. If yes, list case number(s):	as this action been p	previously filed in this court a	nd dismissed, remanded or closed? ✓ No				
VIII(b). RELATED CASES: Have If yes, list case number(s):	e any cases been p	reviously filed in this court the	at are related to the present case? INO Yes				
□C.	Arise from the san Call for determina For other reasons	ne or closely related transactic tion of the same or substantial would entail substantial duplic	ons, happenings, or events; or Ily related or similar questions of law and fact; or cation of labor if heard by different judges; or , and one of the factors identified above in a, b or c also is present.				
IX. VENUE: (When completing the	e following informa	ition, use an additional sheet it	f necessary.)				
CAROCK ROLE IS the government,	California County its agencies or empl	outside of this District; State it oyees is a named plaintiff. If	if other than California; or Foreign Country, in which EACH named plaintiff resides, this box is checked, go to item (b).				
County in this District:* Ventura (CA)			California County outside of this District; State, if other than California; or Foreign Country				
vonuta (CA)							
(b) List the County in this District; ☐ Check here if the government, i	California County of ts agencies or empl	outside of this District; State is oyees is a named defendant. I	f other than California; or Foreign Country, in which EACH named defendant resides. if this box is checked, go to item (c).				
County in this District:*			California County outside of this District; State, if other than California; or Foreign Country				
			Irvine (CA)				
(c) List the County in this District; Note: In land condemnation c	California County (outside of this District; State if on of the tract of land involv	f other than California; or Foreign Country, in which EACH claim arose.				
County in this District:*			California County outside of this District; State, if other than California; or Foreign Country				
Ventura (CA)							
* Los Angeles, Orange, San Bernar Note: In land condemnation cases, us	dino, Riverside, V	entura, Santa Barbara, or Sa tract of land involved	an Luis Obispo Counties				
X. SIGNATURE OF ATTORNEY (OR PRO PER):							
			nation contained herein neither replace nor supplement the filing and service of pleadings of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed ng the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)				
Key to Statistical codes relating to So							
Nature of Suit Code	Abbreviation	Substantive Statement of (Cause of Action				
861	НІА	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))					
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)					
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))					
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))					
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.					
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))					

CV-71 (05/08)